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Dated: August 16, 2006

Signature: _____

(John R. Nelson)

No.: SPINE 3.0-455 CONT II
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Zubok et al.

Application No.: 10/776,656

Confirmation No.: 3382

Filed: February 11, 2004

Art Unit: 3738

For: CERVICAL DISC REPLACEMENT

Examiner: C. L. Miller

PETITION TO WITHDRAW HOLDING OF ABANDONMENT
UNDER 37 CFR 1.181(a)

MS ISSUE FEE
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

Attorneys for the above-identified applicant received a Notice of Abandonment mailed August 3, 2006 for failure to timely pay the required issue fee. However, the transmittal form (PTOL-85), facsimile transmission form, and copy of "Notification of Loss of Small Entity Status" were transmitted to the U.S. Patent and Trademark Office on June 28, 2006 in accordance with 37 CFR 1.8(a)(1)(i)(B).

Attached hereto are copies of the PTOL-85 form, the facsimile transmission form, the Notification of Loss of Small Entity Status, and the PTO auto-reply facsimile transmission report indicating receipt on June 28, 2006 at 2:09:56 P.M. Additionally, the transmission form bears a Certificate of Facsimile transmission dated June 28, 2006.

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Application No.: 10/776,656

Docket No.: SPINE 3.0-455 CONT II

It is therefore believed that evidence has been submitted to establish that the issue fee was timely paid and is therefore respectfully requested that a patent be granted on the above-identified application.

If there are any fees due in connection with this communication, please charge same to our Deposit Account No. 12-1095.

Dated: August 16, 2006

Respectfully submitted,

By 

John R. Nelson

Registration No.: 26,573

LERNER, DAVID, LITTENBERG,

KRUMHOLZ & MENTLIK, LLP

600 South Avenue West

Westfield, New Jersey 07090

(908) 654-5000

Attorney for Applicant

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FACSIMILE TRANSMISSION

ISSUE FEE TRANSMITTAL,
PUBLICATION FEE AND COPY OF LOSS OF SMALL ENTITY STATUS
MAILED DECEMBER 20, 2004

ATTORNEY DOCKET NO.: SPINE 3.0-455 CONT II

APPLICATION NO.: 10/776,656

CONFIRMATION NO.: 3382

MAILING DATE OF NOTICE OF ALLOWANCE: March 28, 2006

FAX NUMBER: (571) 273-2885

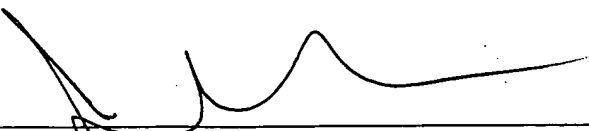
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CERTIFICATE OF TRANSMISSION UNDER 37 CFR 1.8

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on June 28, 2006
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John R. Nelson; Reg. No. 26,573

Typed or printed name of person signing Certificate

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Dated: December 20, 2004 Signature:

Michael J. Doherty
(Michael J. Doherty)

Docket No.:
SPINE 3.0-455 CONT II

(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Zubok et al.

Application No.: 10/776,656

Filed: February 11, 2004

Art Unit: 3738

For: CERVICAL DISC REPLACEMENT

Examiner: C. L. Miller

NOTIFICATION OF LOSS OF ENTITLEMENT TO SMALL ENTITY STATUS

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

Assignee, SpineCore, Inc., hereby notifies the Patent and Trademark Office that it is not entitled to status as a small entity, and that the claim for small entity status filed by the Applicant is hereby withdrawn.

Dated: December 20, 2004

Respectfully submitted,

By *Michael J. Doherty*

Michael J. Doherty

Registration No.: 40,592
LERNER, DAVID, LITTENBERG,
KRUMHOLZ & MENTLIK, LLP
600 South Avenue West
Westfield, O7090
(908) 654-5000
Attorney for Applicant

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